



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH :: DISPUR

NOTIFICATION

The 15th June, 2018

No. LGL. 191/2005/35.— The following Act of the Assam Legislative Assembly which received the assent of the Governor on **01/06/2018** is hereby published for general information.

ASSAM ACT NO. XX OF 2018
THE ASSAM NON-GOVERNMENT EDUCATIONAL INSTITUTIONS
(REGULATION AND MANAGEMENT) (AMENDMENT) ACT, 2018.

AN

ACT

to amend the Assam Non-Government Educational Institutions
(Regulation and Management) Act, 2006.

Preamble

Whereas it is expedient to amend the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No.
IV of
2007

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Non-Government Educational Institutions (Regulation and Management) (Amendment) Act, 2018.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Substitution
of section 2

2. In the principal Act, in section 2, for the existing provisions, the following shall be substituted, namely :-

“Definitions 2. (i) “Bigha” means standard measurement of land meaning Assam Bigha measurement 1338 square meter or 13.38 Are of land;

(ii) “Director” means the Director of Secondary Education, Assam, in respect of Secondary and Higher Secondary level of education and Director of Elementary Education, Assam in respect of Primary and Middle level of Education;

(iii) “employees” means the teaching and non-teaching staff of non-government educational institutions;

(iv) “existing non-government educational institutions” means the non-government educational institutions as defined under clause (xiv) which are in existence on the date of commencement of this Act;

Provided that the non-government educational institutions established by the people of the locality prior to 01.01.2006 which have received permission and recognition from the competent authority on or before 01.01.2006 shall be excluded from the purview of this clause;

(v) “Executive Engineer PWD, Building Division” means the Executive Engineer of PWD, Building Department under whose jurisdiction a particular school is situated;

(vi) “fee” means all fees including tuition fee, development charges of any nature, capitation fee etc;

(vii) “Guwahati Metropolitan Development Authority (GMDA)” means the Guwahati Metropolitan Development Authority as established under the Guwahati Metropolitan Development Authority Act, 1985; Assam Act No. XX of 1987

(viii) “Guwahati Municipal Corporation” means the Guwahati Municipal Corporation established under the Gauhati Municipal Corporation Act, 1971; Assam Act No. I of 1973

(ix) “Higher Secondary level of education” means education imparted from class XI to XII;

(x) “institution” means non-government educational institutions as defined in clause (xiv) of this section;

(xi) “Managing Committee” means committee constituted under section 12 to perform the duties and functions entrusted to it under the provisions of this Act, which term shall also include the Governing Bodies of the Senior Secondary Schools;

(xii) “Middle level of education” means education imparted from class VI to VIII;

(xiii) “Municipal Town area” and “Town Committee area” means areas declared as Municipal Town and Town Committee area under the provisions of the Assam Municipal Act, 1956; Assam Act No. XV of 1957

(xiv) “National Commission for Minority Educational Institutions” means the National Commission for Minority Educational Institutions as constituted by the Central Government;

(xv) “non-government educational institutions” means schools established and run by an individual or association of individuals or any Non-Government Organization or Society or Trust, except the schools established and maintained by minorities under clause (1) of Article 30 of the Constitution of India and imparting education at Primary, Middle, Secondary and Higher Secondary Level without receiving any grants-in-aid from the State Government excluding the educational institutions run or aided by the Central Government or the State Government. The word “institution” wherever it occurs in the Act shall be construed accordingly;

(xvi) “permission” means permission accorded by the Director as required under section 4 of the Act;

(xvii) “prescribed” means prescribed by rules made under this Act;

(xviii) "Primary level of education" means education imparted from class I to V;

(xix) "Secondary level of education" means education imparted from class VIII to X;

(xx) "State Government" means the Government of Assam.

Amendment
of section 4

3. In the principal Act, in section 4, in sub-section (1), for the word "may" occurring after the word, figure and punctuation mark "section 10," the word "shall" shall be substituted.

Amendment
of section 6

4. In the principal Act, in section 6,-
(i) in sub-section (1), in between the word "Act" and the punctuation mark "." appearing at the end, the punctuation mark ":" shall be substituted;
(ii) in sub-section (1), after punctuation mark ":" as so substituted, the following proviso shall be inserted, namely:-

"Provided that in case of failure of any institution to register the institution under sub-section (1) of section 6 within the stipulated period, the institution shall be allowed registration on payment of the fees with 50% increase of prescribed rate, provided the institution is registered within a period of one year from the date of coming into force of this Amendment Act. In the event of failure of any institution to register within one year as stipulated above, the Director shall issue notice to close down the institution in a phased manner that there shall not be any admission in lowest class of the School from the next academic year and such institution shall be completely closed down after passing out the highest class of the institution."

Amendment
of section 10

5. In the principal Act, in section 10,-
(i) for the existing clause (i), the following shall be substituted, namely :-

"(i) The institution shall own and possess a minimum area of land with clear title of the institution over it as specified as under :-

(a) For Lower Primary (LP) and Middle English (ME) level Schools, the school shall have at least 2 (two) Bighas of land in one plot in case of rural areas and 1 (one) Bigha of land in one plot in case of Municipal and Town Committee areas including Guwahati Metropolitan Development Authority area and Guwahati Municipal Corporation Area.

(b) For High School, Higher Secondary School and Senior Secondary School including composite School, the School shall have at least 5 (five) Bighas of land in one plot in rural areas and 3 (three) Bighas of land in one plot in Municipal Town and Town

Committee areas, 2 (two) Bighas of land in one plot in Guwahati Municipal Corporation and Guwahati Metropolitan Development Authority areas :

Provided that non-government educational institutions already granted prior permission and administrative recognition with land requirement before coming into force of this Amendment Act shall be allowed to run;”;

(ii) in clause (ii), in the first line, for the word “toilets”, the words “separate toilets for Boys and Girls” shall be substituted;

(iii) in clause (xi), in between the word “premises” and the punctuation mark “,” appearing at the end, the words “and the institution shall make proper parking arrangement for the use of the institution” shall be inserted;

(iv) in clause (xvi), after clause (c), the following new sub-clauses (d) and (e) shall be inserted, namely:-

“(d) Executive Engineer of the Public Health Engineering Department or any officer authorized by him to ensure providing of potable drinking water facilities to the students of the institution;

(e) The District Transport Officer of the concerned district or any officer authorized by him to examine the conditions and roadworthiness of the vehicles used by the institution for transportation of the students and for any other purposes.”;

(v) in clause (xx), for the existing provisions, following shall be substituted, namely:-

“(a) All the non-government educational institutions registered under this Act shall provide adequate safety measures including fire safety measures in the institution premises and shall hold mock drills for preparedness for meeting any disaster at regular intervals. The school must have a Disaster Management plan for it duly published and the school authority should hold periodic review of the Plan so prepared and published. A certificate from the Disaster Management Authority shall have to be furnished as regards availability of adequate safety measures including fire safety measures in the School;

(b) In case of institutions situated in Municipal Towns, the institution must obtain and in possession of a certificate from the Municipal Board/Town Committee concerned to the effect that the building and class rooms have been constructed conforming to the building by-laws of such Municipal Board and Town Committee;

(c) In rural areas, a certificate from Executive Engineer, PWD (Building Division) under whose jurisdiction the school falls shall have to be obtained and in possession to the effect that the buildings and class rooms have adequate safety measures and construction is safe to house a school:

Provided that the Executive Engineer shall include Assistant Executive Engineer in respect of the locality where no Executive Engineer is available”;

Amendment
of section 15

6. In the principal Act, in section 15, after sub-section (3), the following new sub-sections shall be inserted, namely:-

“(4) No teaching or non- teaching staff of a Non-government Educational Institution shall be paid emoluments less than the norms fixed by the appropriate authority.

(5) Teachers in a Non-government Educational Institutions employed for teaching, shall be qualified as per norms set by National Council for Teacher Education and the norms fixed under the respective Service Rules framed by the State Government.

(6) The Non-government Educational Institutions shall ensure imparting of training to teaching staff employed by it for the purpose of teaching.”

Amendment
of section 18

7. In the principal Act, in section 18,-

“(i) in sub-section (4), for the word “Director”, the words “Deputy Commissioner of the concerned district” shall be substituted.

(ii) in sub-section(5), for the word “Director”, the words “appropriate authority of the Government” shall be substituted.

Insertion of
new section
28A

8. In the principal Act, after section 28, the following new section 28A shall be inserted, namely:-

“Appeal 28A. Any non-government educational institution or any individual, Non-Government Organisation, Society or Trust, as the case may be, establishing any non-government educational institution, aggrieved by the order of Director passed under any of the provisions of this Act, may prefer an appeal before the State Government against the order of Director within 30 days from the date of receipt of such order. Decision of the State Government in such appeal, shall be final and binding on all concerned.”

S. M. BUZAR BARUAH,

Commissioner & Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.